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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,754	09/17/2003	Jun Orihara	05905.0172	3822

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EXAMINER

LUU, MATTHEW

ART UNIT PAPER NUMBER

3663

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/663,754	<b>Applicant(s)</b> ORIHARA, JUN	
	<b>Examiner</b> LUU MATTHEW	<b>Art Unit</b> 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kagawa et al (US 2004/0169659) in view of Tachibana et al (US 2001/0053246) and Hayama et al (US 2001/0034255).

Regarding claim 1, Kagawa discloses (Figs. 1, 4 and 10) a computer program product wherein a computer program for causing a computer system to execute processing for automatically generating color designs for a first object image (original image 113) and second object image (114a) (Fig. 10 shows the object images on screen are recorded on a computer-readable recording medium);

wherein the computer program causes the computer system to execute the steps of:

an input step (Fig. 4, steps 21 and 22) of receiving specification of colors constituting a first color design for the first object image (Fig. 10, the image object 113);

a converting step (Fig. 4, step S27) of converting the colors specified at the input step to other colors;

a step of considering (Fig. 4, step S26 and S27) the color design for the second object image (Fig. 10, object image 114a). See also sections 81 and 130.

Kagawa fails to teach the color-converting step for converting the colors in accordance with a previously determined color-converting rule. Kagawa also fails to teach the first and second object images are the character objects that compete in a competitive game.

However, Tachibana (Figs. 1, 3, 4 and 6) the color converting step for converting the colors in accordance with a previously determined color-converting rule. See sections 12; section 30, lines 10-12; section 36.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use the color converting rule for converting the color of the character data and image data, as taught by Tachibana (section 69, lines 7-10), into the method for converting the color of the displayed image objects of Kagawa to provide a system whereby elderly users, whose color vision is impaired, can easily identify image objects being displayed on the screen.

Regarding to the character objects that compete in a competitive game, Hayama et al (US 2001/0034255) disclose (Figs. 41-51) the changing of shape and color of a plurality of displayed character objects (Fig. 50, character objects C1, C4 and C5) in a video game device (Sections 291 and 294). Hayama et al further teach that the

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character objects can be displayed in a competitive game such a game of baseball (Sections 300-301).

Therefore, it would have obvious to use the character objects of Hayama et al for the object images of Kagawa to provide a more dynamic character objects display device, which allows the user to change the size, shape, movement and colors of the character objects. Furthermore, it is well known in the art that a baseball game is a competitive game between the pitcher and the batter.

Regarding claim 2, Kagawa discloses (Figs. 1 and 7) two or more colors in the input step.

Regarding claim 3, Kagawa discloses (Fig. 1) the color conversion means (2 and 3).

Regarding claim 4, it is obvious that the three primary colors Red, Green and Blue (R,G,B) are mutually complementary colors. See also Tachibana, section 52.

Hayama et al also disclose (Figs. 41-51) the changing of shape and color of a plurality of displayed character objects (Fig. 50, character objects C1, C4 and C5) (Section 294).

Regarding claims 5 and 6, Tachibana teaches a warm type color and a cold type color. See Tachibana, section 52. Furthermore, the type of colors or different

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brightness for the color design for the character objects is an obvious design choice, since it only depends on the user's preferences and desires for selecting any type of colors or brightness.

Regarding claim 7, Kagawa discloses (Fig. 10) a step of automatically generating a plurality of types of color layout candidates. On the other hand, Tachibana also teaches a step of automatically generating a plurality of types of color layout candidates (Section 36).

Regarding claim 8, Kagawa discloses (Fig. 10) a step of determining a color layout for a second display object (any one of the objects 114a-114h) to be displayed in association with the display object (original 113).

Hayama et al (US 2001/0034255) disclose (Figs. 41-51) the changing of shape and color of a plurality of displayed character objects (Fig. 50, character objects C1, C4 and C5) in a video game device (Sections 291 and 294). Hayama et al further teach that the character objects can be displayed in a competitive game such a game of baseball (Sections 300-301).

Regarding 9, note the rejection as set forth above with respect to claim 1.

Regarding claim 10, Tachibana further discloses (Fig. 1) a computer network (main application, WWW browser 35). Furthermore, changing a color of a displayed object via a computer network is conventional in the art.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Regarding to the character objects that compete in a competitive game, Hayama et al (US 2001/0034255) disclose (Figs. 41-51) the changing of shape and color of a plurality of displayed character objects (Fig. 50, character objects C1, C4 and C5) in a video game device (Sections 291 and 294). Hayama et al further teach that the character objects can be displayed in a competitive game such a game of baseball (Sections 300-301).

Therefore, it would have obvious to use the character objects of Hayama et al for the object images of Kagawa to provide a more dynamic character objects display device, which allows the user to change the size, shape, movement and colors of the character objects. Furthermore, it is well known in the art that a baseball game is a competitive game between the pitcher and the batter.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

A handwritten signature in black ink, appearing to read 'Matthew Luu', with a large, stylized initial 'M'.

**MATTHEW LUU**  
**PRIMARY EXAMINER**